

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civil Action No. 5:21-cv-000371-BO

SONYA CALLOWAY-DURHAM, )  
                               )  
                               )  
Plaintiff,                 )  
                               )  
                               )  
v.                             )  
                               )  
N.C. DEPARTMENT OF JUSTICE, et al, )  
                               )  
                               )  
                               )  
Defendants.                 )

**PLAINTIFF'S NOTICE OF LATE DEVELOPMENT PER LOCAL RULE 39.2  
AND MOTION TO CONTINUE TRIAL BY ONE DAY**

NOW COMES the Plaintiff, by and through counsel, and pursuant to Local Rule 39.2, notifies this Court of the following late development which affect the trial date, and moves to continue the trial date by one day:

1. Local Rule 39.2 requires any party who learns of a late development in a case which might "necessitate a motion for continuance" to alert the Court to that fact as a "late development" in the case.
2. Plaintiff's daughter became engaged on August 5, 2023, and has been scheduled to be married on July 19, 2024, since sometime in 2023.
3. When Plaintiff became aware of the date of the wedding, she purchased non-refundable airline tickets.
4. At the time of the purchase of the tickets, no trial date was scheduled in this matter.

5. On April 5, 2024, when a trial date was initially scheduled in this matter Plaintiff's travel plans for her daughter's wedding did not conflict with the scheduled trial date of June 3, 2024.
6. When the trial date changed to July 22, 2024, on May 21, 2024, and Plaintiff learned about this on May 22, 2024, Plaintiff realized that the trial date conflicted with her travel plans to be present for her daughter's wedding and notified her counsel.
7. Plaintiff's travel plans have her arriving late from two time zones away on the evening of Sunday, July 21, 2024, which renders her deprived of sleep and unable to participate meaningfully in the prosecution of her case on Monday, July 22, 2024.
8. Defendants' counsel consent to this motion.

WHEREFORE, Plaintiff respectfully requests that the trial date in this matter be continued from Monday, July 22, 2024, to Tuesday, July 23, 2024.

Respectfully submitted, this 23rd day of May 2024.

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing **RULE 39.2 NOTICE OF LATE DEVELOPMENT AND MOTION TO CONTINUE TRIAL DATE BY ONE DAY** using the CM/ECF filing system which will automatically send email notification of such filing to all counsel of record.

This 23rd day of May 2024.

/S/ VALERIE L. BATEMAN  
Valerie L. Bateman  
NEW SOUTH LAW FIRM